

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

HAROLD KELLY MURPHY,

Plaintiff,

v.

SOUTHERN ENERGY HOMES, INC.,

Defendants.

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Case No.: 3:06-cv-618-MEF

MOTION TO MODIFY SCHEDULING ORDER

Defendant, Southern Energy Homes, Inc. ("Southern Energy"), respectfully moves this Court to modify its scheduling order and, as grounds, therefore, states as follows:

1. On or about June 14, 2006, Harold Kelly Murphy (hereinafter referred to as "Plaintiff") commenced the above-styled action against Southern Energy.

2. Southern Energy timely filed its answer.

3. On August 22, 2006, this Court entered its Scheduling Order. Pursuant to this Order, the dispositive motion deadline is May 18, 2007, the Plaintiff's Rule 26 expert information deadline is May 18, 2007, the deadline to conduct a face-to-face settlement conference is June 8, 2007 and Southern Energy's Rule 26 expert information deadline is May 18, 2007.

4. Southern Energy requests that this Court enlarge the above-referenced deadlines by sixty (60) days to enable the parties to fully explore settlement. The parties have agreed to mediate this case in April of 2007.

5. Moreover, Southern Energy also requests that these deadlines be enlarged to allow sufficient time for its experts to inspect the manufactured home at issue. As set forth in the

Complaint, Plaintiff alleges that his manufactured home is defective because the exterior walls of the home are constructed with an interior vapor barrier. During the course of discovery, Plaintiff has alleged that the home is “defective” because excessive moisture accumulates within the wall envelop during the summer months. Consequently, in order for Southern Energy to inspect the manufactured home during the time period upon which Plaintiff basis his claims, the deadlines set forth in paragraph 3 should be enlarged by sixty (60) days.

6. Neither party request that the trial setting of this case be moved.

7. Plaintiff does not object to this enlargement of time.

WHEREFORE, Southern Energy Homes, Inc. respectfully requests that this Court grant the instant motion and enlarge the requested deadlines by sixty (60) days.

Respectfully submitted,

/s Mitchel H. Boles
Mitchel H. Boles (ASB-0813-S69M)
One of the Attorneys for Defendant
Southern Energy Homes, Inc.

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CERTIFICATE OF SERVICE

I hereby certify that on 15th of March, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

- **Charles Lance Gould**
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/s Mitchel H. Boles
Of Counsel